

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|------------------------------------|---|-------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | 8:07CV492 |
| \$6,360.00 IN UNITED STATES |) | |
| CURRENCY, |) | ORDER TO |
| |) | SHOW CAUSE |
| Defendant, |) | |
| |) | |
| RAY PATTERSON, |) | |
| |) | |
| Claimant. |) | |

Trial of this matter was previously set for December 17, 2008, and the parties were directed to submit their trial preparation materials by December 10, 2008. On the afternoon of December 16, 2008, the court received a motion¹ to continue trial, filed by the Claimant, who advised he was not available to attend the trial because:

Defendant is previously scheduled to be in a trial [sic] in Douglas County, Nebraska, at that time. Defendant has a previously scheduled hearing on Wednesday, December 17, 2008, at 9:00 A.M., Douglas County Courthouse.

My staff was unable to verify this information with the Court Administrator at the Douglas County Courthouse.

IT IS ORDERED:

1. The December 17, 2008 trial is cancelled and will be rescheduled, if appropriate, by further order of the court.

¹The Claimant is presently incarcerated in the Cass County Jail in Plattsmouth, Nebraska. The motion itself bears a notary's signature dated December 8, 2008. The envelope itself was postmarked December 15, 2008.

2. No later than **December 30, 2008**, the Claimant, Ray Patterson, shall show cause by written affidavit why he could not attend trial in this court on December 17, 2008, as previously scheduled. The Claimant, Ray Patterson, shall include the following information in his affidavit:

- a. The docket number of his Douglas County case that was tried on December 17, 2008; and
- b. The name of the presiding judge.

If the court does not receive the Claimant's affidavit before the **close of business (4:30 PM) on December 30, 2008**, the Claimant, Roy Patterson, will be held in default and his claim stricken pursuant to Fed. R. Civ. P. 37 and NECivR 41.1.

DATED December 17, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge